

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bodo Gerold et al.	Confirmation No.:	1514
Appln. No.:	10/596,797	Group Art Unit:	1796
Filed:	April 26, 2007	Examiner:	Michael F. Pepitone
Title:	RADIO-OPAQUE MARKER FOR MEDICAL IMPLANTS	Atty. Docket No.:	149459-110071
		Customer No.:	25207

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Amendment Submitted: April 28, 2010

**AMENDMENT AND RESPONSE FILED WITH  
REQUEST FOR CONTINUED EXAMINATION**

Sir:

In response to the Final Office Action of December 30, 2009, and the subsequent Advisory Action of March 18, 2010, please amend the application as follows:

**Status** is on page 2.

**Summary of USPTO Fees** begins on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks/Arguments/Conclusion** begin on page 8 of this paper.

A Request for Continued Examination and an Information Disclosure Statement are being electronically submitted herewith. A certified copy of the priority document, German Patent Application No. 10361942.9, is being submitted concurrently by U.S. First Class Mail.

### **STATUS OF APPLICATION**

The above-captioned patent application is pending.

Claims 1-3, 5, 7-9, 11-18 and 20-22 are pending in the application.

Claims 1-3, 5, 7-9 and 16-18 are rejected under 35 USC 102(b) as being anticipated by Heath (U.S. Patent No. 5,725,570) when taken with White (U.S. Patent No. 7,331,993).

Claims 11 and 14 are rejected under 35 USC 102(b) as being anticipated by Heath (U.S. Patent No. 5,725,570) when taken with White (U.S. Patent No. 7,331,993).

Claim 12 is rejected under 35 USC 102(b) as being anticipated by Heath (U.S. Patent No. 5,725,570) when taken with White (U.S. Patent No. 7,331,993).

Claims 20-21 are rejected under 35 USC 102(b) as being anticipated by Heath (U.S. Patent No. 5,725,570) when taken with White (U.S. Patent No. 7,331,993).

Claims 11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Lindenberg et al. (International Patent Publication No. WO 02/100452).

Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Lindenberg et al. (International Patent Publication No. WO 02/100452).

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Lindenberg et al. (International Patent Publication No. WO 02/100452).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer-Lindenberg et al. (International Patent Publication No. WO 02/100452) when taken with Gellman et al. (U.S. Patent Publication No. 2003/0199993).

**SUMMARY OF USPTO FEES ENCLOSED HERewith**

**Extension of Time**

Applicant hereby petitions for an extension of time of one (1) month up to and including April 30, 2010, to respond to the outstanding Office Action. The Commissioner of Patents is authorized to charge the appropriate fee of \$130 for a large entity to Deposit Account No. 50-4913.

**Request for Continued Examination**

Applicant herewith submits a Request for Continued Examination. The Commissioner of Patents is authorized to charge the appropriate fee of \$810 for a large entity to Deposit Account No. 50-4913.

It is believed these fees are correct; however, the Commissioner for Patents is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-4913.